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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,160	07/10/2000	Chang-Hoi Koo	678-515(P9466)	9210
28249	7590	05/17/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/613,160	Applicant(s) KOO ET AL	
	Examiner Steven Blount	Art Unit 2661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/4/2005 has been entered.

2. Claims 1, 4, 8, 12 – 17, and 20 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,236,646 to Beming et al.

With regard to claims 1 and 20, Beming et al teaches a CDMA system (col 1 lines 19+) wherein a reverse channel is designated. Although it is not explicitly stated that it is a reverse common channel, col 1 lines 38+ would have made it obvious to one of ordinary skill in the art at the time of the invention that this was so. See also col 3 lines 45+. Further, it is noted that action time is taught in col 3 lines 38 to 55, and col 4 lines 40+. Also included with the action time are designation parameters including the spreading factor (col 3 line 50) and spreading code (col 3, line 35). These are both transmitted to the mobile. Further, the message transmitted by the mobile is transmitted on the reverse common channel. Also note that a reply by the mobile is also taught in col 4 lines 45+.

With regard to claim 4, note the data burst discussed above.

With regard to claim 8, see the discussion of the transmitted spreading code.

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With regard to claims 12 – 13, see the above, including the code discussion.

With regard to claim 14, see the discussion above, and note that the signaling layers are well known in the art for such things as constructing designated channel parameters like these.

With regard to claim 15, see the rejection of claim 14 and note that this applies to the physical layer as well.

With regard to claim 16, note that the reasoning of claims 14 – 15 would apply to the link access control layer as well.

With regard to claim 17, see the rejection of claims 14 – 16, and also note the discussion of spreading code above.

3. Claims 2 – 3, 5 – 7, 9 – 11, and 18 – 19 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,236,646 to Beming et al as applied to claims 1, 4, 8, 12 – 17, and 20, and further in view of U.S. patent 6,091,717 to Honkasalo.

With regard to claim 2, Beming et al teach the invention as described above, but do not teach sending the power control channel or data rate information on the downlink channel to the mobile with the designation time.

Honkasalo et al also teach sending information on a downlink channel including access time for access to a reverse channel. See col 2 lines 30+, and also col 3 lines 8+. Honkasalo further teaches sending power control information (col 9, lines 5+) and data rate information (col 3 lines 20+).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have sent power and data rate information on the downlink channel of

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Beming et al, in light of the teachings of Honkasalo et al, in order to provide a means for further controlling use of the reverse access channel.

With regard to claim 3, see col 3, line 3 of Honkasalo (ESN).

With regard to claim 5, see col 3 lines 25+ of Honkasalo (maximum time, as it relates to the second to last line of this claim). See also line 47.

With regard to claim 6, see the discussion of claim 2.

With regard to claim 7, see col 3 line 3 of Honkasalo (ESN).

With regard to claim 9, see the rejection of claim 2.

With regard to claim 10, see the rejection of claim 7.

With regard to claim 11, see the rejection of claim 8, and the discussion of power control and data rate in Honkasalo.

With regard to claim 18, see the discussion of the MAC in col 3 lines 1+ of Honkasalo.

With regard to claim 19, again see the discussion of MAC in Honkasalo, and also the discussion of spreading code in col 3 line 35 of Beming et al.

4. Applicants arguments are moot in view of the new ground of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 – 272 - 3126. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Ajit Patel**  
**Primary Examiner**

SB  
  
5/12/05